

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, June 12, 2012, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Kalina, Leider and Member Van de Kerckhove.

ABSENT: Member Soifer, Trustee Liaison Brandt.

ALSO PRESENT: Steve McNellis, Director of Community Development and Tonya Zozulya, Planner.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:04 p.m.

1.0 ROLL CALL

The roll was called by **Planner Zozulya** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, May 8, 2012.

Member Van de Kerckhove moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, May 8, 2012, as submitted. The motion passed unanimously by voice vote.

Chairman Manion stated that they the Board needs to vary from the agenda in order to allow the Village Staff to recognize Bill Rubinstein who announced his resignation from the Zoning Board effective June 1, 2012.

Steve McNellis, Director of Community Development, presented Bill Rubinstein with a gift from the Village, on behalf of the Village and the Zoning Board. He stated that Bill is a founding member of the Zoning Board. Bill was appointed to the Zoning Board in 2003 when the Board was created by Mayor Blomberg and the Board of Trustees, replacing the Plan Commission. **Director McNellis** said that Bill was a valuable member of the Zoning Board throughout his tenure, demonstrating dedication and commitment to the Village, and spending countless hours reviewing packets, visiting project sites, and providing comments on zoning requests. Some of the types of Zoning cases that have been reviewed by the Board with Bill's participation include Special Use requests, residential, commercial and industrial rezonings, as well as variations and plats of subdivision, the details of which are too numerous to list. **Director McNellis** further stated that Bill provided input for numerous Village-initiated Zoning Code amendments, as well as contributing significantly to the recently approved Comprehensive Plan update.

Mr. Rubinstein accepted the gift and stated that he wanted to thank the Mayor and Village officials for showing confidence in him by appointing him to the Zoning Board 8.5 years ago. He stated that having served on the Zoning Board for two terms, he recently notified the Mayor that he wanted to step down in order to give the opportunity

for another resident to be appointed to the Board. **Mr. Rubinstein** also thanked, on behalf of himself and his family, his current and past fellow Zoning Board members.

3.0 ITEMS OF GENERAL BUSINESS:

- 3.1 **PUBLIC HEARING** regarding a request for an amendment to the original Special Use Permit for the continued operation of an existing church, located at 1970 Riverwoods Road in the R1 Single-Family Residence Zoning District (Community Christian Church).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing for the Special Use request.

Tonya Zozulya, Planner, summarized Staff's memorandum to the Zoning Board dated June 8, 2012. She said that the Petitioner's request was referred to the Zoning Board, for a Public Hearing, at the May 14, 2012 Committee of the Whole meeting. She stated that the Community Christian Church was developed and annexed into the Village in 1963, with a R1 Single-Family residential zoning designation, as a Permitted Use. In 1965, a Code amendment was adopted that granted a Special Use to all churches that were a permitted use prior to that amendment, resulting in them becoming a legally conforming use after the amendment. The 1965 amendment required, however, that a Special Use amendment be sought for any future expansions or alterations of those churches (that remains the case for alterations to any Special Use Permit today). **Planner Zozulya** said that in 1971 and 1981, the Community Christian Church constructed two building additions (representing two of the three buildings on the site today; the Church Sanctuary and Fellowship Hall), each of which required amendments to their original Special Use Permit. The Village's files do not contain any evidence that the church applied for or received Special Use Permit amendments for those expansions.

Planner Zozulya said that in accordance with Village Code requirements, a legal notice of the Public Hearing to consider this request was published in the May 24, 2012 edition of the Lincolnshire Review. In addition, the required certified mailings to adjacent property owners within a 250' radius of the subject site were also provided. **Planner Zozulya** also stated that the Petitioner's responses to the required seven Special Use standards are attached to the Petitioner's packet. **Planner Zozulya** stated that the Zoning Board must find that each of the seven standards has been met, in order to recommend approval to the Village Board.

Planner Zozulya indicated that although there is no documentation or ordinances showing that the Community Christian Church applied for or received the required amended Special Use Permits for their 1971 and 1981 additions, as required by Code, it appears that they obtained necessary building permits from the Village for those additions. To the best of Staff's knowledge, no other building additions have occurred since that time. **Planner Zozulya** further explained that that the church is not proposing any changes to its buildings, or any new improvements of any kind, and simply wishes to continue to operate the property and buildings, as is, as it has since the last addition in 1981. In addition, she stated that Staff has received no concerns or complaints about the church use over the past 15 years or so. **Planner Zozulya** noted that Staff sees this process as a way to memorialize the legality of the church use. Especially considering the

fact that while both parties had a responsibility, in 1971 and 1981, to ensure that Village Code was followed with regard to the necessary Special Use Permit amendments, we believe that Village Staff had a greater responsibility to ensure these requirements were being met, given Staff's greater knowledge of the nuances of the Codes.

Planner Zozulya concluded Staff's presentation by stating that based upon Staff's review of the Petitioner's responses to the Special Use Standards and the fact that the building additions have already occurred (with no documented concerns from neighbors, related to these existing buildings, since that time) and no new physical changes to the church property are being proposed, Staff would recommend approval of the Special Use amendment. She noted that Staff does not have any additional restrictions that are believed to be necessary at this time. Any additions or physical changes to this site in the future would require a Special Use Permit amendment, as is the case with all churches in the community.

Mr. Perry Grace, Community Christian Church Treasurer, representing the Petitioner, was sworn in by **Chairman Manion**. He said that the Community Christian Church has requested an amendment to an existing Special Use Permit. It is the first church established in Lincolnshire. Two building additions were completed in 1971 and 1981. At that time, the church was not aware that they were required to amend their Special Use granted in 1965, although they obtained all appropriate building permits. **Mr. Grace** indicated that the church is not contemplating any changes to the existing buildings or the site. He also requested that the church's responses to the required Special Use Standards be entered into the public record.

Member Van de Kerckhove inquired into the total number of Sunday services at the Community Christian Church and Sunday church service attendance. **Mr. Grace** responded that a total of 125 people attend two Sunday services combined. **Member Van de Kerckhove** questioned the response provided by the church regarding Special Use Standard #5 (traffic congestion), as he is concerned that 100 cars will cause congestion on Riverwoods Road, although he understands they do not park along Riverwoods Road. **Member Van de Kerckhove** further stated that he has never observed a parking problem at this church. **Mr. Grace** said that because there is a social hour after each Sunday service, parishioners can leave the church site at different times, which prevents traffic congestion.

Mr. Bill Cameron, 6 Victoria Lane, was sworn in by **Chairman Manion**. **Mr. Cameron** stated that his understanding is that in order to qualify for a Special Use amendment, the church needs to demonstrate that it is a primary use on the property. **Mr. Cameron** posed a question as to whether or not the church is the primary use, as the school operates from 7 a.m. to 6 p.m., five days a week.

Planner Zozulya stated the Village Attorney and Staff determined that the church is the primary use and the Montessori School is the accessory use on the church property. This determination was made based on the fact that the church predates the school; the school occupies only a very limited area of the church property; the church staffs the buildings throughout the week and conducts numerous church-related activities throughout the week.

Ms. Joy Serauskas, 1 Fairfax Lane, was sworn in by **Chairman Manion**. **Ms. Serauskas** posed a question to Staff regarding what other reviews, in addition to building reviews, were completed for the two church building additions completed in 1971 and 1981. **Ms. Serauskas** also inquired whether the Village is willing to accept the site in its current condition regardless of current Code regulations, as she believes there are landscape and parking lot drainage issues on the church property.

Planner Zozulya responded that based on Staff's review of the property files, it appears that all reviews were properly completed.

Ms. Serauskas said that Staff should consider asking the Village Attorney whether a waiver of current Code requirements will be required to accept the church property as it is today. She also stated that she did not see in the packet a copy of the actual application from the church for this Special Use amendment request. In addition, she did not find a letter of authorization from the Church Board authorizing **Mr. Grace**, as the church Treasurer, to submit this petition on behalf of the church.

Planner Zozulya said that applications are not included in Staff packets. She stated that if **Ms. Serauskas** wishes to review this application, she can request it under the Freedom of Information Act. **Planner Zozulya** also noted that the application is authorized by the Church Board.

Ms. Serauskas sought clarification regarding the 1965 Village Code amendment that granted Special Uses to churches that were established before that amendment. **Director McNellis** stated that the 1965 amendment was very specific about granting legally-non-conforming churches a Special Use, while also stipulating that any building expansion or improvements required a Special Use amendment. **Planner Zozulya** quoted an excerpt from the 1965 Code regarding this.

Mr. Robert Howden, 2 Victoria Lane, was sworn in by **Chairman Manion**. **Mr. Howden** stated that since 1981 he has observed drainage issues within an easement on the church property. He requested that another look be taken at this issue as it has caused significant tree damage and erosion. He said these issues should have been reviewed when the church applied for a building permit for the two building additions in the 70's and 80's. **Planner Zozulya** said that Staff will pass this concern on to the Public Works Department for further investigation.

Mr. Howden also inquired whether the Zoning Board agrees with the Community Christian Church's responses to the letter submitted by **Ms. Evie Cooper** (this letter was provided to the Zoning Board with their meeting packets and is entered into the record). **Planner Zozulya** asked the Zoning Board if they have had the chance to review **Ms. Cooper's** letter. She also stated that the majority of the points in the letter pertain to the Lincolnshire Montessori School, which is the matter that will be reviewed during the second Public Hearing at tonight's meeting. **Member Kalina** said that he had read the letter, but cannot comment on the responses, as the Zoning Board needs to obtain further information from the public.

There being no further public comments, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

Member Leider stated that there are several different issues involved. He stated that he believes the tree and drainage issues should be addressed between the residents and the church, as this is not the type of issues that are typically reviewed by the Zoning Board.

Member Kalina said that it is a difficult issue as it has to do with past mistakes when Special Use Permit amendments were not obtained for the two building additions. He understands that the church predates the surrounding neighborhood.

Member Van de Kerckhove stated that he does not believe that drainage and tree damage is a zoning matter.

Chairman Manion stated that it appears that the church obtained all necessary building permits at that time. The fact that Code requirements may have changed since then should not matter, as the buildings are already there. It is hard to go back that many years.

Member Leider said that Village Code development regulations are stricter today than they were in the 70's and 80's. If this were a request for a new church, then current Code requirements would need to apply.

There was a consensus among the members for this issue, and the following motion was read:

Member Kalina moved and Member Leider seconded the motion to approve, and recommend to the Village Board for their approval, of the amendment to the original Special Use Permit for the Community Christian Church, to permit the continued operation of the church, located at 1970 Riverwoods Road in the R1 Single-Family Residence District, based on the facts in the Petitioner's Presentation Packet, dated June 5, 2012, date stamp received June 5, 2012, and as presented in Staff's memorandum, dated June 8, 2012.

The motion passed unanimously by voice vote.

- 3.2 **PUBLIC HEARING** regarding a request for the issuance of a new Special Use Permit for the continued operation of an existing nursery school, to operate as an accessory use to the Community Christian Church, located at 1970 Riverwoods Road in the R1 Single-Family Residence Zoning District (Community Christian Church/Lincolnshire Montessori School).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing for the Special Use request.

Planner Zozulya summarized Staff's memorandum to the Zoning Board dated June 8, 2012. She said that the Petitioner's request was referred to the Zoning Board, for a Public Hearing, at the May 14, 2012 Committee of the Whole meeting. She said that the Lincolnshire Montessori School has rented space from the Community Christian Church

to operate a nursery school, since 1981. **Planner Zozulya** further indicated that the school did not obtain the required Special Use Permit, as required by Code. **Planner Zozulya** said that Staff was recently contacted regarding a concern about the alleged increase in intensity in the Lincolnshire Montessori School's enrollment, over the Code-permissible attendance cap. Research then brought to light the fact that the school does not have a Special Use Permit. Staff met with representatives of the Community Christian Church and Lincolnshire Montessori School, to inquire as to the current attendance for the school, as it relates to Village Code requirements, and to request that they seek a Special Use Permit for the established school.

Planner Zozulya said that in accordance with Village Code requirements, a legal notice of the Public Hearing to consider this request was published in the May 24, 2012 edition of the Lincolnshire Review. She stated that the required certified mailings to adjacent property owners within a 250' radius of the subject site were also provided and that the Petitioner's responses to the required seven Special Use standards were attached to the Zoning Board packet. **Planner Zozulya** stated that the Zoning Board must find that each of the seven standards has been met, in order to recommend approval to the Village Board.

Planner Zozulya said that Staff confirmed that nursery schools were required to obtain a Special Use Permit when the Lincolnshire Montessori School was being established on the church property in 1981. That Code specifically stated (as it does today) that a Special Use Permit is required for "nursery schools, when accessory to the use of a church or public school permitted under this Article, provided that the number of children in attendance at any one time is not in excess of twenty five (25), the building used for the nursery school meets the State requirements for such school and is located on a site of a minimum of four (4) acres with direct access to a major thoroughfare and adequate off-street parking."

Planner Zozulya further noted that although the school does not have a Special Use Permit, it is Staff's understanding they meet all other Code requirements. She said that the school administration stated in their letter to the Zoning Board that the maximum number of students in the building has never exceeded 25 students, which is in compliance with the Village Code, in addition to meeting all state requirements. They also indicate that the school offers full-time and part-time programs for pre-school and kindergarten students, ages 3-6, between the hours of 7 a.m. and 6 p.m., Monday through Friday, and that their current hours are 7:30 to 6 p.m., Monday through Friday.

Planner Zozulya indicated that in speaking with church and school representatives, Staff determined that parking for the school is not an issue, as the church holds its services on Sunday when the school is closed, and the parking generated by the school is minimal. She said that one of the points raised in the letter submitted by **Ms. Evie Cooper**, which was provided to the Zoning Board, relates to the for-profit status of the school. **Planner Zozulya** noted that the Village Code does not differentiate between profit- vs. not-for-profit nursery schools that are permitted as an accessory use to churches. She stated that the Village Attorney confirmed that he supports this position, and some Trustees also affirmed this position at the Referral meeting. As to the concern raised about whether or not the school is truly an accessory use to the church, the information submitted by the

Petitioner clearly demonstrates, in Staff's view, that the school has always functioned as an accessory use to the church (which is considered the primary use on that property). **Planner Zozulya** said that as described in the Petitioner's letter of request, the church predates the school (which occupies a very small area within the church facilities), conducts a variety of church-related activities during the week in addition to its weekend services, and staffs the church when the school is operating and when it is not.

Planner Zozulya said that Staff would recommend approval of a new Special Use Permit for the continued operation of a nursery school on the Community Christian Church property, based on the Petitioner's responses to the Special Use Standards, which indicate that the school has and will continue operating in compliance with the Zoning Code requirements for nursery schools.

Chairman Manion stated that four letters were provided to the Zoning Board tonight from concerned residents related to this request. These letters will be entered into the public record.

Mr. Perry Grace, Community Christian Church Treasurer, representing the Petitioner, was sworn in by **Chairman Manion**. **Mr. Grace** stated that the Lincolnshire Montessori School has operated out of the church property since 1981. They should have obtained a Special Use Permit long time ago. Neither the church nor the school is contemplating any changes. **Mr. Grace** said that the school originated in the home of Lincolnshire resident and church member Ms. Chris Webler in 1979-1980. In 1981, space in the church building became available and the school moved to the church building. The school has always been for-profit. **Mr. Grace** said that he believes that the school never sought a not-for-profit status because of the paperwork and costs involved. In 2000, the school was sold to **Ms. Mina Dadrass**, who was a teacher at the school at that time, and the school was incorporated that same year. **Mr. Grace** stated that the school has made a valuable contribution to the community in educating hundreds of children in Lincolnshire over the years. He feels there is a continued need for this school in the community. **Mr. Grace** requested that their responses to the required Special Use Standards be entered into the public record.

Chairman Manion inquired as to when the school changed its hours of operation.

Mr. Grace said that the school will be able to respond to this question. He noted that as more parents had full-time jobs, they needed to drop off their children earlier and pick them up later. He said the same is true of public schools that have added before- and after-school programs that run until 6 or 6:30 p.m., as well as summer programs, to accommodate two working parents.

Ms. Mina Dadrass, Lincolnshire Montessori School's owner and Executive Director, was sworn in by **Chairman Manion**. She said that the hours changed approximately four years ago, from 9 a.m.-3 p.m., to from 7:30 a.m.- 6 p.m.

Member Van de Kerckhove inquired as to the location of the school's playground area.

Ms. Dadrass stated that the playground is located in the rear of the church property. She said that there is a significant amount of separation between the playground and the adjacent homes. She said she cannot even hear the children at the playground when she is in the building.

Member Van de Kerckhove asked **Ms. Dadrass** whether she had been aware of the noise complaints before. She replied that she had only been aware of complaints indicating there are over 50 children at the school, which she stated is not the case. **Ms. Dadrass** further clarified that they have never had more than 25 students at any given time.

Member Van de Kerckhove said that if the school reduced their hours, that would be a concern for the working parents who have come to rely on the school. He inquired if it would be feasible for the school to install a sound barrier or reduce their hours of operation.

Ms. Dadrass said that some children are usually picked up by the time the remaining children go out to play outside in the afternoon. She said that the school hours were extended in response to children's parents who work full-time.

Chairman Manion asked **Ms. Dadrass** whether there is room inside the building for children to play, in order to accommodate adjacent residents' concerns about excessive playground noise.

Ms. Dadrass said that children spend a lot of time inside, including meals and naps, and need the opportunity to play outside as well.

Member Kalina sought clarification whether there is an after-school program at the school, to which **Ms. Dadrass** stated that she runs part-time and full-time programs. The majority of children are dropped off at 8:30 a.m. and some children start leaving after 3 p.m. There are no unscheduled drop-offs and pick-ups.

Chairman Manion inquired how many children are at the school from 7:30 a.m. to 5-6 p.m.

Ms. Dadrass responded that about 12-13 children are at the school during those hours at any given time. She said that part-time students stay at the school until 12:30 p.m.

Member Kalina asked **Ms. Dadrass** whether a typical Montessori School has longer hours than other nurseries or kindergartens in the area.

Ms. Dadrass responded that 9 a.m. - 3 p.m. used to be the standard hours of operation for Montessori schools, but with increasing demands on working families, many schools had to revise their hours to assist those families.

Chairman Manion inquired whether the Riverwoods Montessori School has similar hours. **Ms. Dadrass** said that that school, which is surrounded by residential homes, has more children and long hours.

Member Kalina asked **Ms. Dadrass** whether the 5 p.m. afternoon playtime can be moved up.

Ms. Dadrass replied that said that the children are taken outside when the weather is appropriate. Therefore, sometimes the teachers have to wait until later in the day before they can take them outside in the summer. **Ms. Dadrass** said that she may have some ideas or solutions to the noise concern after reading residents letters that were provided to the Zoning Board prior to the meeting, as she was not previously aware of the noise concern. **Ms. Dadrass** said that children are taken outside even in the winter, weather permitting. Many of these children do not go outside when they are brought home. She said it is difficult for her to believe that her children are loud while out at the playground, given that the property is over 4 acres. There are many other schools adjacent to residential areas.

Mr. Grace said that he believes it is a State requirement that a nursery school provide a playground for their children. The Montessori School takes its children outside in the morning and afternoon, 15-20 minutes each time. The children are not outside all the time. **Mr. Grace** also stated, in response to an earlier public comment, that the church is the primary use on the property, which is supported by the fact that the church staffs the church office six days a week; has meetings, dinners, rehearsals, 18 committees and other church-related activities.

Ms. Evie Cooper, 8 Victoria Lane, was sworn in by **Chairman Manion**. **Ms. Cooper** stated that the church bases its Special Use petition on Village Code Section 6-5A-2(C) & 6-5A-2(K). She does not believe that the petition meets the standards of that Code section. **Ms. Cooper** stated that when the Code requirements regarding nursery schools were adopted, it was assumed that any nursery school on a tax-exempt property be either a religious school or be a not-for-profit school. The Lincolnshire Montessori School is a for-profit school. This is supported by Village Code Section 6-5A-2(K) that allows nursery schools when accessory to a church or a public school. Therefore, **Ms. Cooper** stated, a nursery school must have a relationship to, or dependency on, the religious use or public school use of its host. Village Code Section 6-5A-2(F) prohibits private nursery schools that are not connected to a religious or public school use. The Montessori Schools' hours of operation of 7 a.m. to 6 p.m. five days a week support its for-profit status. **Ms. Cooper** said that the Code intends to limit the hours of a nursery school to a school calendar with limited hours each day. **Ms. Cooper** stated that while she understands the need for daycare centers in the Village, Village Code Section 6-6A-4 provides for daycare centers in commercial districts as a Special Use. In addition, **Ms. Cooper** stated that she feels the school is detrimental and injurious to the use and enjoyment of surrounding properties and inhibits improvement to surrounding properties, based on noise levels generated by the school. **Ms. Cooper** said that the Village's mission has always been to promote and protect the quality of its residential neighborhoods and not to diminish the quality of life and the property investment of Village residents.

Ms. Joan Cameron, 6 Victoria Lane, was sworn in by **Chairman Manion**. **Ms. Cameron** stated that she has lived in the Village for the last 30 years, having moved from

another community because of what she considered to be lax zoning requirements. She wanted to be in a quiet area in a good community with consistent zoning regulations. She said that the original nursery school operated three days a week from 9 a.m. to 11:30 a.m. She was not aware of the presence of that school on a daily basis. She said that residents had brought up their noise concerns to the nursery school before, requesting that the playtime hours be reduced. The nursery school stated that the children would be outside for 30 minutes each time. Prior to three weeks ago, the children would go outside at 10:30 a.m. for two hours; and out in early afternoon and in the evening. **Ms. Cameron** questioned the church and school's claim that they cannot hear the noise from their building and stated that perhaps the church building is better insulated than residential homes. She cannot open her windows and is unable to have a business conference call at her home due to the noise. She is unable to enjoy her back yard. She feels that this is a daycare center, which should be located in a commercial district. This is against the Village's mission statement that protects a pastoral environment in its residential areas. **Ms. Cameron** stated that the school does not pay taxes, unlike the Riverwoods Montessori School. They use essential municipal and fire services at taxpayers' expense. She feels that the noise issue has become worse in the last several years when the new playground was constructed three years ago. The playground was built three years ago and it is becoming a nuisance. The playground is not fenced like at other nursery schools. The playground appears to be used at night, generating noise. The church should maintain their property. **Ms. Cameron** expressed concern about the fire pit on the church property, stating that the smoke comes into her house. She has an issue with the school functioning like a daycare center, which is a business that is suited for a commercial district, such as in Lincolnshire's downtown area which has vacancies. She said that residents used to work hard to protect the quality of residential districts that current residents take advantage of. **Ms. Cameron** urged the Zoning Board to follow the Village Code while reviewing the church's request.

Mr. Bryan Elliott was sworn in by **Chairman Manion**. **Pastor Elliott** said that the original structure on the property was a parsonage and sanctuary. The parsonage has single-pane windows. **Pastor Elliott** stated that he can only hear occasional childrens' and teachers' voices, with the majority of noise coming from the Riverwoods Road traffic. He is at the church building throughout the day, especially in the morning. Children go outside at 11 a.m. and are back inside by 11:30--11:45 a.m. Then they have lunch and nap. Their afternoon outdoor playtime is 30-45 minutes, between 4 p.m. and 5 p.m. **Pastor Elliott** said that the church cannot control who plays at the playground in the evening. He said that he lives near Spring Lake Park and can hear children playing in the park. He said that the Zoning Board should consider the Village Attorney's determination that the school meets all Code requirements for nursery schools. **Pastor Elliott** also stated that according to the State of Illinois, the Montessori School operates as a school, not as a daycare center.

Member Kalina asked the residents whether they can hear children from the Community Nursery School that operates out of the Lutheran Church of the Holy Spirit south of Victoria Lane. **Ms. Cameron** was sworn in by Chairman Manion and stated that she cannot hear those children, indicating that that playground is shielded by church buildings. **Ms. Cameron** invited the Zoning Board to come to her house to listen to the noise, especially on the second floor. She feels the residents on Londonderry Lane may

be impacted by the noise more than Victoria Lane residents, as there is no barriers between the playground and their homes, except for the parking lot.

Ms. Joy Serauskas, 1 Fairfax Lane, was sworn in by **Chairman Manion**. **Ms. Serauskas** said that the underlining zoning is R-1 residential. Although it is a Special Use, the use has to be compatible with the residential zoning designation, which is also supported by the Village's mission statement. She feels that residents should come first. **Ms. Serauskas** also indicated that she believes the school is a for-profit daycare center, which makes money for itself and the church. The longer the hours of operation, the more money is made. She urged the Zoning Board to consider this during their deliberations on this request.

Ms. Mina Dadrass was sworn in by **Chairman Manion**. **Ms. Dadrass** said that for the first nineteen years, before she purchased the school, the hours were 9 a.m. to 3 p.m., five days a week. They had 19 children in the morning and 19 children in the afternoon; therefore there would always be 19 children at the playground. Last year there were a total of 9-11 children in the classroom and 16 children in 2010, based on their daily logs. This is the first year they have had 24 children. The children play outside twice a day, between 11:20 and 12 p.m. and 4:15 and 4:45 p.m., depending on the weather. **Ms. Dadrass** said that the children never go outside three times a day. The children are very quiet. The church secretary can not hear the noise. She stated that this is the only Montessori school in Lincolnshire.

Member Kalina asked **Ms. Dadrass** whether all the children that attend the school are church members. **Ms. Dadrass** said that they are not. She said that she has offered tuition discounts to single parents in need.

Ms. Joan Cameron, 6 Victoria Lane, was sworn in by **Chairman Manion**. She stated that she believes having a Montessori school in Lincolnshire is a good thing, as they provide a service to families and fill the need for such schools. However, they are operating out of a residential area. They need to operate in a business area. There are vacancies in commercial and corporate areas in the Village that can accommodate this use. Residents have experienced a greater amount of noise and disruption in the last three-four years after their enrollment and hours were changed.

Mr. Bill Cameron, 6 Victoria Lane, was sworn in by **Chairman Manion**. **Mr. Cameron** stated that it is a daycare center, which causes a great amount of noise. There should be a compromise between the school and adjacent residents.

Mr. Perry Grace was sworn in by **Chairman Manion**. He said that the church property is located on a 5-acre lot. The playground is approximately 170' from the south property line and approximately 170'-175' from the west property line. The playground is separated from the south property line by a fully wooded area, and from the west property line by a partially wooded area. Neighbors to the north have a lesser wooded barrier than neighbors to the south. There is a small window of playtime in the morning and afternoon. **Mr. Grace** stated that for many years, the Lake County Tax Assessor examined the Community Christian Church, like other churches, regarding its tax-exempt status. They had to show copies of the lease for their tenant. The church is not allowed to

make a profit from any organization that uses the building. They have separate utility meters. Every year they ensure they are in compliance. Several years ago the Assessor determined that regular audits were no longer necessary. **Mr. Grace** further stated that the school's rent covers the utilities as well as their share of snow, lawn service, garbage removal, property maintenance, and general wear and tear.

Member Van de Kerckhove inquired whether the playground can be moved further away from Victoria Lane.

Mr. Grace stated that the playground cannot be moved further away from the south property line, as the church property, aside from the buildings, is covered with a paved parking lot. The playground area may not be located on a hard surface.

Chairman Manion inquired whether the playground area can be fenced to reduce the noise.

Mr. Grace responded that some sort of sound protection is possible, although the church would need to look into it further. He is not sure that a fence surrounding the playground area would be in keeping with their landscaping or feasible financially. The church takes great care in its landscaping and property. The trees are along the edge of the playground area.

Mr. Ken Johnson, 10 Victoria Lane, was sworn in by **Chairman Manion**. **Mr. Johnson** said that most of the neighbors have lived on Victoria Lane for over thirty years. He stated that he noticed that the church property has changed since 2000. The property appears to be more of a business than a church.

Mr. Robert Howden, 2 Victoria Lane, was sworn in by **Chairman Manion**. **Mr. Howden** said that there has to be a solution to the noise issue and R1 zoning requirements must be enforced.

There being no further public comments, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

Planner Zozulya stated that the Village Attorney determined that the for-profit status of the Montessori School does not have any bearing on this request. She also added that the Code does not stipulate any specific hours for nursery schools. She also said that the Village Code establishes hours for commercial contractors, including those that do work in residential zones. These hours are 7 a.m. to 7 p.m. The Code's performance standards for office and industrial zoning districts also provide for the same hours. She stated that the Code does not have a noise ordinance for residential zones.

Member Leider asked the school representatives and Staff if they have received any noise complaints from adjacent residents prior to the Special Use request. Both the church and school representatives said they were unaware this was an issue for the neighbors. **Director McNellis** and **Planner Zozulya** said that the Community Development Staff has not received any complaints regarding this in the past 15 years.

Member Van de Kerckhove stated that he believes that the school is a legitimate use on the church property and has met all the requirements. He indicated that he is sympathetic to the noise concerns and feels that the Zoning Board should place requirements on this Special Use, including those related to noise protection for adjacent residents.

Member Leider said that he has no record showing there is a noise issue. The Lincolnshire Montessori School is legally defined as a school. He pointed out that the Village does not regulate noise at public schools.

Member Kalina stated that it is a difficult decision that involves the school and children. He said that based on personal experience, children do generate noise, which may make someone believe there are more children than there really are. The current school hours are different than in the past due to working parents. Although this is a school, people tend to call it “daycare”. **Member Kalina** also said that the interest of residents of 2, 5 or up to 10 lots surrounding the school should also be considered, albeit it should also be recognized that it was their choice to move so close to the church property. He is not sure who is going to monitor the school’s enrollment, to which the response was the number is based on their license.

Member Kalina said that the school does not have to operate out of a church, but could move to another area. He feels there have been good points brought up at tonight’s meeting, and an argument can be made on both sides. He believes the school should find a way to achieve a compromise with the neighbors. He said he is not ready to vote at tonight’s meeting.

Member Leider said that the Zoning Board should focus on the findings of fact. He also stated that he did not have enough facts presented to him to conclude that there is a noise problem.

Chairman Manion stated that based on the residents’ statements, he believes something has changed in the school operations 3-4 years ago. He feels the issue is the school hours rather than the number of students. He believes the Board should postpone the vote and give the two parties the opportunity to find a compromise in the next month. If no compromise is achieved, the Zoning Board will vote on this request regardless at the July meeting.

Director McNellis said that the Zoning Board should state the reason to postpone the vote, if they feel they need to investigate the issues that were brought up, require additional information, or wish to allow the school the opportunity to re-examine their operations to accommodate some of the neighbors’ concerns.

Member Leider stated that he did not see anyone from Coventry Lane speak at the meeting, given their proximity to the church.

Chairman Manion said that one of the letters submitted is from Coventry residents.

Member Leider also inquired whether hours and noise limitations that the Zoning Board may wish to recommend for the school's Special Use Permit would potentially impact the nursery school at the Lutheran Church of the Holy Spirit.

Chairman Manion said that the impact on Laura Sprague School and other schools in the Village should also be considered.

Director McNellis responded that it is within the Zoning Board's purview to recommend stipulations regarding the school hours, as part of this Special Use Permit review, and that any subsequent request will be reviewed in and of itself. The Zoning Board needs to look at the conditions on this property, based on the responses to the Special Use Standards and resident comments. Past zoning cases show that different restrictions can be placed on cases with unique conditions and circumstances. **Director McNellis** said that it was stated by the residents at tonight's meeting there is no discernable noise coming from the Community Nursery School at the Lutheran Church of the Holy Spirit. He stated that the Zoning Board may consider placing conditions on the school's Special Use Permit, including the hours and noise control, which have been brought up tonight by the public. **Director McNellis** stated that he does not believe installing a fence surrounding the playground area would greatly assist in noise reduction. He would recommend evergreen trees, which, he believes, are better suited for this.

Planner Zozulya said that the nursery school at the Lutheran Church has a Special Use Permit issued in 1994, which does not have any stipulations.

Member Kalina said that he believes each new issue should be reviewed on its own set of facts and not based on any precedent. He feels the Zoning Board should postpone its vote for another month.

Director McNellis stated that he would highly recommend that the Zoning Board investigate this further by visiting the site and adjacent streets.

Planner Zozulya inquired if the Zoning Board requires further information from Staff regarding this matter.

Director McNellis asked the Zoning Board whether they would like Staff to provide them with a statement from the Village Attorney regarding his opinion on this request.

Chairman Manion replied that what Staff has provided in their comments is sufficient. He asked Staff whether there are any past records of student enrollment for the Lincolnshire Montessori School.

Planner Zozulya said that past records are not available; however, during a recent Staff visit, there were 16 students in the classroom.

Member Kalina moved and Member Van de Kerckhove seconded the motion to continue, until the regularly scheduled July 10, 2012 Zoning Board meeting, the Public Hearing regarding a request for the issuance of a new Special Use Permit for the continued operation of an existing nursery school, to operate as an accessory use to the Community

Christian Church, located at 1970 Riverwoods Road in the R1 Single-Family Residence Zoning District, in order to allow the Zoning Board to investigate the noise issue.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS

Director McNellis updated the Zoning Board regarding the status of the Village's efforts to attract a specialty grocery store in the Village's downtown area. He stated that a proposal from The Fresh Market has been referred by the Village Board to the Architectural Review Board for design review. The grocery store is tentatively scheduled to break ground in the Fall of 2012 and open in the second quarter of 2013. The remainder of the downtown site will be developed separately.

Director McNellis also stated that Brad Burke has been appointed as the new Village Manager. He is scheduled to start with the Village on August 20th.

6.0 CITIZENS COMMENTS (None)

Ms. Joan Cameron, 6 Victoria Lane, stated that she was informed by the Lincolnshire Police Department that there is a residential noise ordinance in the Village that was adopted based on State Law. This ordinance states that any noise in residential areas may not carry further than 75'. She understands she cannot host an outside party per this ordinance.

Director McNellis said that this ordinance may be intended for nuisances. Specific noise performance standards mentioned by Staff in their earlier comments only apply to office/industrial areas. **Planner Zozulya** stated that Staff will contact the Police Department regarding this ordinance prior to the next meeting.

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 9:20 p.m.

Minutes Submitted by Tonya Zozulya, Planner